

AMENDED IN ASSEMBLY SEPTEMBER 2, 2003

SENATE BILL

No. 348

Introduced by ~~Senator Karnette~~ *Senators Poochigian and Denham*

(~~Coauthor: Senator Perata~~)

(~~Coauthors: Assembly Members Levine and Longville~~)

(Principal coauthors: Assembly Members Aghazarian, Cogdill, and Matthews)

February 19, 2003

~~An act to amend Section 12302 of the Elections Code, relating to elections. An act relating to trial costs.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 348, as amended, ~~Karnette~~ *Poochigian*. ~~Elections: precinct board members~~ *Homicide trials: costs*.

~~Existing law requires a precinct board member to be a voter of the county in which he or she serves, except that county employees used as poll workers may reside outside of the county.~~

~~This bill would, instead, provide that a precinct board member must be a voter of the state.~~

~~Existing law provides for state reimbursement of a county for costs of homicide trials upon application to the Controller, as prescribed.~~

~~This bill would authorize reimbursement to the City of Modesto for 90% of the costs incurred by the city, as defined, for the People v. Scott Peterson homicide trial upon application to the Controller, as prescribed.~~

~~Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.~~

The people of the State of California do enact as follows:

~~SECTION 1. Section 12302 of the Elections Code is amended~~

SECTION 1. (a) As used in this section, “costs incurred by the city” mean only those costs, except normal salaries and expenses, incurred by the police in the investigation of, and all other costs, except normal salaries and expenses, incurred by the City of Modesto in connection with the prosecution of the homicide trial of *People v. Scott Peterson*, Case No. 1056770 (Filed April 21, 2003), including all costs incurred by the city in connection with hearings and pretrial and postconviction proceedings, if any.

(b) With respect to any portion of the cost of the homicide trial specified in subdivision (a), the City of Modesto may apply to the Controller for reimbursement of 90 percent of the costs incurred by the city without regard to fiscal years.

(c) The Controller shall not reimburse the city for costs that exceed the standards for travel and per diem expenses set forth in Sections 700 to 715, inclusive, and Section 718 of Title 2 of the California Code of Regulations. The Controller may reimburse extraordinary costs in an unusual case if the city provides sufficient justification of the need for these expenditures. Nothing in this section shall permit the reimbursement of costs for travel in excess of 1,000 miles on any single round trip, without the prior approval of the Attorney General.

(d) If the city meets the conditions described in this section and applies to the Controller for reimbursement pursuant to that section, and the Controller determines that the reimbursement meets the requirements of this section, the Controller shall request the Director of Finance to include any amounts necessary to fulfill the purposes of this section annually in a request for deficiency appropriation in augmentation of the emergency fund.

SEC. 2. The Legislature finds and declares that, because of the unique circumstances applicable only to the City of Modesto, a statute of general applicability cannot be enacted within the meaning of subdivision (b) of Section 16 of Article IV of the California Constitution. Therefore, this special statute is necessary.

~~to read:~~

~~12302. (a) Except as provided in subdivision (b), a member of a precinct board shall be a voter of the state. The member may~~

1 ~~serve only in the precinct for which his or her appointment is~~
2 ~~received.~~

3 ~~(b) In order to provide for a greater awareness of the elections~~
4 ~~process, the rights and responsibilities of voters and the~~
5 ~~importance of participating in the electoral process, as well as to~~
6 ~~provide additional members of precinct boards, an elections~~
7 ~~official may appoint not more than two students per precinct to~~
8 ~~serve under the direct supervision of precinct board members~~
9 ~~designated by the elections official. A student may be appointed,~~
10 ~~notwithstanding lack of eligibility to vote, subject to the approval~~
11 ~~of the board of the educational institution in which the student is~~
12 ~~enrolled, if the student possesses the following qualifications:~~

13 ~~(1) Is at least 16 years of age at the time of the election to which~~
14 ~~he or she is serving as a member of a precinct board.~~

15 ~~(2) Is a United States citizen or will be a citizen at the time of~~
16 ~~the election to which he or she is serving as a member of a precinct~~
17 ~~board.~~

18 ~~(3) Is a student in good standing attending a public or private~~
19 ~~secondary educational institution.~~

20 ~~(4) Is a senior and has a grade point average of at least 2.5 on~~
21 ~~a 4.0 scale.~~

22 ~~(c) No student appointed pursuant to subdivision (b) may be~~
23 ~~used by a precinct board to tally votes.~~

